

TOWN OF HUMBOLDT
BROWN COUNTY, WISCONSIN

SEX OFFENDER RESIDENCY ORDINANCE

Section 1. Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that Sex Offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

The Town Board has reviewed findings in several studies related to recidivism and risk related to individuals who have committed sex crimes. Those studies include the following:

- (a) Center for Sex Offender Management Fact Sheet: What You Need to Know About Sex Offenders. This fact sheet provided information about Sex Offender recidivism, including that it is estimated that one in every five girls and one in every seven boys are sexually abused by the time they reach adulthood; that one in six adult women and one in thirty-three adult men experience an attempted or completed sexual assault; that approximately 67% of all victims of reported sexual assaults are under age 18 and more than half are under age 12; and that about 12-24% of Sex Offenders will re-offend.
- (b) U.S. Department of Justice, Bureau of Justice Statistics – Recidivism of Sex Offenders Release from Prison in 1994. This study found that compared to non-sex Offenders release from state prisons, release Sex Offenders were four times more likely to be re-arrested for a sex crime.
- (c) Correctional Service Canada – Forum on Corrections Research. This study of 178 Sex Offenders released from a maximum-security psychiatric facility found that after an average follow-up of 59 months, 27.5% of Sex Offenders in the study sexually recidivated and 40.4% of the Sex Offenders were arrested, convicted, or returned to a psychiatric facility for a violent offense.
- (d) California Research Bureau – The Impact of Residency Restrictions on Sex Offenders and Correctional Management: A Literature Review. This study found that at the time it was written twenty-two states had enacted some form of residency restriction that prohibits Sex Offenders from living within a certain distance of schools, daycare centers, or places where children

congregate. The least restrictive among them was 500 feet, but distances from 1,000 to 2,500 feet were common.

- (e) National Bureau of Economic Research – There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan’s Laws. This study found that the majority of both violent and non-violent offenses take place less than one mile from victims’ homes. It also found that prices of homes near Sex Offenders declined considerably following an Offender’s arrival in the neighborhood.
- (f) An Evaluation of Sex Offender Residency Restrictions in Michigan and Missouri. This study found that while in Michigan, residency restrictions led to a slight increase in recidivism, in Missouri, the reconviction rate declined.

Based on the above studies and other information presented to the Town Board, the Board determines that the restrictions set forth in this Ordinance serve the purpose of protecting the public health, safety, and welfare from the risk of recidivism of Sex Offenders. The Board further determines that the intent and effect of this Ordinance is not to banish Sex Offenders from residing within the Town, and careful attention has been given to ensure that there are ample locations for Sex Offenders to reside within the Town in compliance with the requirements of this Ordinance.

The Board further determines that the opportunity for individualized consideration of the risks and benefits of residency restrictions on a case-by-case basis is the best approach to achieve the purposes of this Ordinance and, to that end, this Ordinance establishes an “exemption” process by which a Sex Offender may seek an exemption from its residency restrictions by petitioning to the Board’s Sex Offender Residence Board.

Section 2. Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town by regulating the residency of Sex Offenders.

Section 3. Definitions.

- (a) Sex Offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a sexually violent offense or a crime against children.

- (b) Sexually violent offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- (c) Crime against children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault.

Wis. Stat. § 940.225(3) third Degree Sexual Assault.

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist.

Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child

Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)

Wis. Stat. § 944.06 Incest.

Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)

Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)

Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child.

Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child.

Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child.

Wis. Stat. § 948.05 Sexual Exploitation of a Child.

Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity.

Wis. Stat. § 948.06 Incest with a Child.

Wis. Stat. § 948.07 Child Enticement.

Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime.

Wis. Stat. § 948.08 Soliciting a Child for Prostitution.

Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff.

Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material.

Wis. Stat. § 948.12 Possession of Child Pornography.

Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children.

Wis. Stat. § 948.30 Abduction of Another's Child.

Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense.

Wis. Stat. § 975.06 Sex Crime Law Enforcement.

- (d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4. Residency Restriction.

- (a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses, whether the applicable following use is located within the Town or in another municipality:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.
- (9) A public community center.
- (10) A school bus stop.

- (b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5. Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (b) The person had lawfully established a residence, as defined Section 3 above, at the location prior to the effective date of this Ordinance. For purposes of this section, a person has not lawfully established a residence in a particular location if that residence was established in violation of this Ordinance or any predecessor ordinance regulating the residency or presence of Sex Offenders.
- (c) The use enumerated in Section 4 was established after the Sex Offender lawfully established a residence at the location and registered that residence as

required by law. For purposes of this section, a person has not lawfully established a residence in a particular location if that residence was established in violation of this Ordinance or any predecessor ordinance regulating the residency or presence of Sex Offenders.

- (d) The Sex Offender is a minor or ward under guardianship.

Section 6. Safety Zones.

No Sex Offender may enter on or be present within 100 feet of any real property upon which there exists any facility used for or which supports the use of:

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.
- (i) A public community center.
- (j) A school bus stop.

Section 7. Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

- (a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:

- (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.
 - (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
- (c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
 - (1) The Sex Offender is eligible to vote.
 - (2) The polling location is the designated polling location for the Sex Offender.
 - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
- (d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
- (e) The property supporting a use enumerated in Section 6 also supports a police station, Town hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 8. Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town unless he or she was a resident of Brown County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall

not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 9. Sale or Rental of Property for Use by Sex Offenders.

No person may sell or rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 10. Petition for Exemption.

- (a) A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board ("Residence Board").
- (b) The Residence Board shall consist of three citizens residing in the Town. Members shall be selected by the Town Chairperson subject to the approval of the Town Board. Members shall serve for a term of five years and shall serve no more than two consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one year, a second member serving three years, and a third member serving five years.
- (c) The Residence Board shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the Town Clerk, who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Town's interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Residence Board to consider include, but are not limited to:
 - (1) Nature of the offense that resulted in designated Offender status.
 - (2) Date of offense.
 - (3) Age at time of the offense.
 - (4) Recommendation of probation or parole officer.

- (5) Investigative Report of the Police Department.
 - (6) Recommendation of any treating practitioner.
 - (7) Counseling, treatment and rehabilitation status of the Sex Offender.
 - (8) Remorse of Sex Offender.
 - (9) Duration of time since Sex Offender's incarceration.
 - (10) Support network of Sex Offender.
 - (11) Relationship of Offender and victim(s).
 - (12) Presence or use of force in offense(s).
 - (13) Adherence to terms of probation or parole.
 - (14) Proposals for safety assurance of Sex Offender.
 - (15) Conditions to be placed on the exemption.
- (d) The Residence board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender and the Police Department.

Section 11. Neighborhood Watch Committee.

- (a) Upon appointment by the Town Chairman and confirmation by the Town Board there is hereby created the Town of Humboldt Neighborhood Watch Committee (hereinafter "NWC"). The NWC shall consist of two (2) co-chairpersons and three (3) at-large Board members.
- (b) The general purpose shall be to unite law enforcement agencies, the Town government and the Town citizens in an effort to reduce crime. Recognizing that recidivism is a major problem and acknowledging the limitations that any single government agency may have, it is through such combined efforts that

public safety is best protected and preserved. It has long been recognized that the responsibility for prevention of crime must be equally shared by law enforcement and private citizens.

- (c) Among other things, the NWC shall:
- (1) Conduct regular meetings not less than quarterly on the third Wednesday of January, April, July and October to discuss community needs and present programs where crime prevention experts provide neighborhood and family security and law enforcement assistance tips. Each meeting shall be conducted pursuant to a posted agenda, a copy of which shall be delivered to the Brown County Sheriff's Department representative not less than seventy-two (72) hours prior to the meeting.
 - (2) In concert with the Brown County Sheriff, educate Town citizens as to how to lawfully observe, document and report suspicious activity within the community.
 - (3) Assemble and disseminate educational materials, procure parental educational and awareness programs and offer agency referrals to citizens concerning the protection of men, women and children against sexual assault and other violent crimes through education. Such community education should consist of: information regarding sexual assault (myths and facts, incidence and prevalence data, victim information); information regarding Sex Offenders and sex offending behavior; information regarding prevention and risk reduction measures; information regarding resources for victims, Offenders, and families; and social messaging campaigns through local channels (e.g., schools, churches, youth groups, etc.) on respectful interaction.
 - (4) Offer service as a liaison between law enforcement and Town residents for information, inquiries and citizen complaints.
 - (5) Develop citizen and other communication systems to quickly alert members of the community about criminal activity in the area.
 - (6) Gather and maintain information in the Offender Data Bank regarding Sex Offenders who: engage in either permanent residence; or temporary residence and those who are regularly present (as employees or otherwise) in the Town.

- (7) Disseminate information to NWC participants regarding Sex Offenders who reside or are regularly present in the Town.
 - (8) Maintain a registry containing the name(s) and addresses of those NWC participants who receive information regarding Sex Offenders from the NWC, including a notation as to the identity of the Sex Offender(s) whose information was provided.
 - (9) Meet with law enforcement authorities to obtain training as to crime prevention strategies to be utilized as to Offenders, restricted Offenders and others.
 - (10) Develop a program to educate employers and organizations/associations providing youth activities and programs in the Town to do record and background checks on prospective employees, coaches, leaders, and volunteers, which include the State Sex Offender registry; and, to encourage employers, youth service organizations and associations, under appropriate circumstances, to notify the NWC as to the presence of any Offender employed or engaged in such activities in the Town so that the NWC may determine, in collaboration with the Brown County Sheriff and other authorities, whether the Offender's information should be included in the Offender Data Bank.
 - (11) Engage in other community-based crime prevention activities in collaboration with the Brown County Sheriff.
- (d) The Town and NWC has not and will not consider or assess the specific risk of re-offense with regard to any individual prior to his or her inclusion in the Offender Data Bank established under this Ordinance. No determination has or will be made that anyone subject to this Ordinance is currently dangerous. Offenders are subject to this Ordinance solely by virtue of their conviction record under State law. Neither the Town nor the NWC will issue any specific warning about any specific Offender subject to this Ordinance. The purpose of the NWC's information gathering and retention is to facilitate NWC participants' access to publicly available information about Offenders and to make that information more readily available to promote law enforcement, public health and safety in the Town.

(e) Offender Data Bank:

- (1) The Offender Data Bank shall be developed and maintained by the NWC.
- (2) A backup copy of the Offender Data Bank shall be provided to the Town Clerk by the NWC and updated not less than bimonthly.
- (3) Information contained in the Offender Data Bank as to each Offender shall include:
 - (i) All available photographs of the Offender.
 - (ii) The Offender's name; residence address; occupation, employer and employer's address; student status and if so, school address.
 - (iii) A statement whether or not the Offender is a Restricted Offender and is subject to the excluded area and/or the prohibited activities restrictions of this Ordinance.
 - (iv) All prohibited activities and restricted presence areas applicable to the Restricted Offender.
 - (v) A statement as to the Offender's maximum discharge date, the Offender's period of registration, and when the Offender's registration obligation expires.
 - (vi) A description of the offense(s) for which the Offender was convicted and an offense profile as to: method of force, vehicle use, use of disguise(s), stalking, intrusion crimes, camera use, computer use, substantial batter, injuries, use of accomplice(s), etc.
 - (vii) A victim profile as to the age, gender, species (bestiality), and/or any other relevant attributes of the Offender's targeted victim(s).
 - (viii) The name, employer and contact information of the employee(s) or agent(s) primarily responsible for supervision of the Restricted Offender.

- (f) The Offender Data Bank shall contain an updated copy of the excluded area map.

- (g) Prohibition/Limitations Concerning Offender Data Bank Information and NWC Authority:
 - (1) It is a violation of this Ordinance for any person to access the Offender Data Bank information gathered or disseminated by the Town or the NWC, and to thereafter injure, harass or commit any civil forfeiture or criminal act against any Offender or any other person within the Town of Humboldt. Anyone who violates this Section of the Ordinance, shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each instance of such prohibited conduct constitutes a separate violation.

 - (2) Under current law, Offender Data Bank information concerning Offenders is generally confidential except: that information needed for law enforcement purposes; and that information available via internet access pursuant to Section 301.46(5n). The NWC's Offender Data Bank information is provided by the Brown County Sheriff pursuant to Section 301.46(2m)(c) and includes the information deemed necessary by the Sheriff to protect the public. Under current law, only the Wisconsin Department of Corrections and the Brown County Sheriff have the authority to publish such information to the Town citizenry at large. The NWC shall only disclose information contained in the Offender Data Bank to NWC participants, except as expressly otherwise authorized by the Brown County Sheriff in a separate writing. The NWC is not an independent law enforcement agency. The NWC is a citizen group duly authorized by the Town Board to promote the health, safety and welfare of the Town by acting as an agency of the Town Board providing: assistance to law enforcement agencies including the Wisconsin Department of Corrections and the Brown County Sheriff's Department; and educational services to NWC participants.

Section 12. Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200.00 nor more than \$500.00 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Dated this 2 day of May, 2022.

TOWN OF HUMBOLDT

By: 
Town Chairperson

Attest: 
Town Clerk